

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13328 of 1993

WITH

SPECIAL CIVIL APPLICATIONS NO.13329/93, 13330/93,

215/94, 216/94 AND 217/94.

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? -

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2. To be referred to the Reporter or not? -

3. Whether Their Lordships wish to see the fair copy  
of the judgement? -

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? -

5. Whether it is to be circulated to the Civil Judge?  
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KHANDERAO NARAYANRAO SHEVALE

Versus

DECEASED MULJIBHAI RANCHHODBHAI

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Appearance:

MR JITENDRA M PATEL for Petitioners

MR AJ PATEL for Respondent No. 1

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CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 02/09/98

ORAL JUDGEMENT

The Gujarat State Revenue Tribunal had remanded

the matter for deciding the same as a fresh after giving an opportunity to lead their evidence by the order dated 14-8-1991. The A.L.T. and Mamlatdar decided the matter by the order dated 12-11-1993. By that time, no interim order was passed by this Court in the petitions in this Court. However, interim order to maintain status-quo was passed on 26-11-1993. By that time, the matter has already been decided by the Mamlatdar. The holders of power of attorney have already filed their appeals before the Dy. Collector.

2. The name of Mr. K.M. Parikh was not shown on 21-8-1991. Hence, he prayed for and he was granted a week's time to obtain instructions from his clients. Today, he appeared and requested that the orders passed by A.L.T. and Mamlatdar dated 12-11-1993 be quashed and set aside and the matter again be remanded to be heard by the A.L.T. and Mamlatdar.

3. Learned advocate for the other side submitted that three appeals have been filed by the holders of power of attorney and they are still pending. The owners have filed Spl. C. A. Nos. 13328/93, 13329/93 and 13330/93 before this Court. They are not parties before the Appellate Authority and they may be directed to be impleaded as respondents to the appeal filed before the Dy. Collector and they may also be given full opportunity of being heard. Even if they want to lead evidence they also also be given an opportunity for that purpose.

4. The owners have filed three Civil Applications No. 589/94, 690/94 and 591/94 for giving permission to withdraw their petitions. But on the said Civil Applications no order is passed by this Court.

5. After hearing the parties, I am of the view that the matter is still pending before the Dy. Collector Appellate Authority. The owners of the land are permitted to implead as party to the said appeals and reasonable opportunity of being heard is to be given to the owners. If the owners intend to lead any evidence oral or documentary, they are also permitted to do so.

6. The Appellate Authority - Dy. Collector is directed to decide the matter after giving full opportunity of being heard to the parties and decide the matter in accordance with law as expeditiously as far as possible preferably within a period of four months from the date of production of a certified copy of this order. The petitioners who are the owners of the land in dispute

may also be permitted to join as party respondents to the appeals pending before the appellate authority Dy. Collector.

7. With the above directions, these six petitions are disposed of. Rule is made absolute to the above extent, with no order as to costs. Interim relief if any granted earlier by this court stands vacated.

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